



Handwritten initials: JFW, DAC, JS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bates, et al. : Date: September 22, 2004
Serial No.: 09/881,168 : Group Art Unit: 2643
Filed: June 14, 2001 : Confirmation No.: 6848
For: SYSTEM AND METHOD FOR : Examiner: Q. Tran
IMPLEMENTING CALLING CARD
SECURITY AND SECURED CALLING
CARD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)**

1. This request for reconsideration of the patent term adjustment indicated in the Notice of Allowance mailed on August 6, 2004.

☒ The issue fee is being paid as set forth in the papers attached hereto.

2. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Basis(es) Under § 1.702 For the Adjustment--Part B." (37 C.F.R. § 1.705(b)(2)(i) and (ii)).

3. Any patent granted on this application (37 C.F.R. § 1.705(b)(2)(iii)):

☒ is not subject to a terminal disclaimer.

☐ is subject to a terminal disclaimer, and the expiration date specified in the terminal disclaimer is _____.

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4. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in § 1.704 (37 C.F.R. § 1.705(b)(2)(iv)):

- ☐ there were none (37 C.F.R. §1.705(b)(2)(iv)(B)).
- ☒ these were as follows (37 C.F.R. § 1.705 (b)(2)(iv)(A)):

Applicants mailed a response (Amendment) to the 8/16/2002 Office Action on 11/15/2003. The PAIR system indicates that the USPTO received this response on 11/21/2002.

Applicants mailed a response (Notice of Appeal) to the 1/21/2003 Office Action on 5/19/2003, together with a petition for an automatic 1 month extension of time. The PAIR system indicates that the USPTO received this response on 5/23/2003.

5. Also attached hereto is a "Request For Reinstatement for ☐ All and/or ☐ Part of the Period of Adjustment Reduced Pursuant to § 1.704(b) -- Part C." (37 C.F.R. § 1.705(c)).

6. The fee set forth in § 1.18(e) (\$200.00), required by 37 C.F.R. § 1.705(b)(1), is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of \$_____.

☒ Authorization is hereby made to charge the amount of \$200.00.

☒ to Deposit Account No. 09-0465

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

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☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of his paper is attached.

Date: September 22, 2004

Respectfully submitted,

By 

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Statement of the Correct Patent Term Adjustment: Basis(es) Under § 1.702 For the Adjustment.” (37 C.F.R. § 1.705(b)(2)(i) and (ii))

Applicants filed the above-identified application on 6/14/2001. The USPTO issued a Notice of Allowance on 8/06/2004, which suggests that the resulting patent will issue on 2/6/2005. Because this pendency will be greater than three years, Applicants are entitled to a patent term adjustment by 37 C.F.R. § 1.702(b).

Applicants filed a Notice of Appeal on 5/23/03 and an Appeal Brief on 7/23/03. In response to these filings, the USPTO withdrew all of its outstanding rejections. Because this result represents a successful appeal, Applicants are entitled to a patent term adjustment by 37 C.F.R. § 1.702(e).

In view the long pendency and/or successful appeal of the above-identified application, Applicants are entitled to a positive term adjustment of 237 days under 37 C.F.R. § 1.702.